IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7500 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HARSHADBHAI VADILAL SHAH

Versus

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Appearance:

Mr.H.S. Mulia for MR RC JANI for Petitioner

MR NAVIN K PAHWA for Respondent No. 1

Mr.S.P. Hasurkar for respondents nos.2 and 3.

Mr.Digant P. Joshi for Mr.Hasurkar.

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 10/04/2000

ORAL JUDGEMENT :

Rule.

2. With the consent of the parties the matter is taken up for final disposal.

3. The petitioner claims promotion to the post of Deputy Chitnis, which is equivalent to Taluka Development Officer on the basis of the seniority as a clerk. It is claimed by the petitioner that he has passed requisite departmental examination. Thus, he is eligible for the post of Deputy Chitnis. It is further contended that though the persons who are not eligible and have not passed the departmental examination have been promoted, while the petitioner though qualified has not been promoted. Mr.N.K. Pahwa for respondent no.1 submits that the aforesaid averments are not correct and that in fact no person from general category is promoted since 1989. Said fact is also mentioned in para 7 of the affidavit in reply filed on behalf of respondent no.1.

4. Mr.Mulia for the petitioner has pointed out that there is a list of candidates who have passed departmental examination, which is placed at Annexure 'F' to the petition at page 28, that list is as per the order of the District Development Officer dated 26.2.1997, it shows the position as on 1.1.1997. It is the case of the petitioner that the petitioner is at serial no.5 in the said list. The petitioner submits that if the authorities are directed to consider the case of the petitioner on the basis of the aforesaid list before promoting any junior to the petitioner, his grievance will stand redressed. The request of the petitioner is reasonable and hence the same is granted. The authorities are directed to consider the case of the petitioner before promoting any junior person to the petitioner to the post of Deputy Chitnis from amongst the eligible candidates either from the list at Annexure 'F' or otherwise.

5. With the aforesaid directions the petition is allowed to that extent only. Rule is made absolute with no order as to costs. Direct service is permitted.

10th April 2000 (Ravi R. Tripathi, J.)
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